

# **EXHIBIT 1**

**to Declaration of William J. Goines in Opposition to  
Plaintiffs' Motion for Class Certification**

Store	Employee	Exhibit Number	Time With Polo	Rest Breaks ("RB")	Time for Loss Prevention Search	Number of Current Employees	Number of Shifts Per Day	Square Footage
Beverly Hills Store #831	GM: Possidente	16	2 yrs	Scheduling of RB (¶27)	5 minutes (¶20)	35 (¶3)	1 (¶11)	21,600
	Takada	40	2 yrs	Tries to take 2 RB's, but may skip for a customer (¶6)	2-3 minutes (¶3)			
	Bourque	41	7 1/2 yrs	May choose to just take 1 RB (¶6)	2-3 minutes (¶3)			
	Avakyan	42	4 yrs.	May not take a RB to remain on the selling floor (¶6)	3 minutes (¶3)			
	Barbosa	43	10 yrs.	Regularly takes RB's (¶6)	not longer than 5 (¶3)			
	George	48	12 yrs.	Chooses not to take RB's (¶9)	No longer than 5 (¶5)			
Burlingame Store #836	GM: Holowka	17	1 yr.	Scheduling of RB (¶20)	Within 5 minutes (¶14)	7 (¶3)	1 (¶11)	5,200
	Sahyoun	44	1 yr.	Takes both RB's (¶7)	1 to 2 minutes (¶3)			
Costa Mesa Store #873	GM: Foster	18	6 mo.	Scheduling of RB (¶22)	Within 1 minute (¶14)	11 (¶3)	3 (¶11)	5,700
	Cantwell	45	5 yrs	May choose to miss a RB to sell (¶6)	5 minutes or less (¶3)			
	Roane	46	3 1/2 yrs	May choose to miss a break for a client (¶6)	5 minutes or less (¶3)			
La Jolla Store #817	GM: Powell	19	21 yrs.	Scheduling of RB (¶21)	Within 5 minutes (¶14)	9 (¶3)	1 (¶11)	6,600
	Simmons	47	2 yrs	Chooses to miss 1st break (¶7)	5 minutes or less (¶3)			
	George	48	12 yrs.	Chooses not to take RB (¶9)	2-3 minutes (¶3)			
Vallejo Store #844	GM: Baker	20	2 yrs.	Scheduling of RB (¶22)	Less than 1 minute (¶15)	10 (¶3)	1 (¶11)	849 (RRL)
	Beaty	49	1 yr	sometimes opts not to take RB (¶6)	1 minute for bag inspection (¶4)			2,000 (Womens)
Palm Desert Store #835	GM: Messersmith	21	1 yr.	Scheduling of RB (¶22)	5 minutes or less (¶14)	6 (¶3)	1 (¶10)	
	Killeen	50	1 yr.	takes RB 90% of the time (¶7)	5 minutes or less (¶4)			
	Linzels	51	1 yr.	takes both RB's, occasionally forgets RB #2 (¶7)	5 minutes or less (¶4)			
Palo Alto Store #810	GM: Garrahan	22	4 mo.	Scheduling of RB (¶23)	30 seconds-2 minutes (¶20)	18 (¶3)	4 (¶12)	12,000
	Campo	52	8 yrs	May chooses not to take them (¶5)	No more than 5 minutes (¶3)			
San Francisco Store #802	GM: Post	23	23 yrs.	Scheduling of RB (¶22)	1-2 minutes (¶15)	20 (¶3)	1-2 (¶12)	17,000
	Lo Monaco	53	3 yrs	May choose not to take RB to remain selling (¶5-7)	1-2 minutes (¶3)			
	Manager of Operations: Cruz	5	14 yrs	No complaints from staff being permitted to take RB's. 218:10-14.				
	Harrison	6	7 yrs	No one complained RE: unable to take RB. 167:16-18	A few minutes. 144-145: 24-6			
	Hua	7	12 yrs	Employees took RB. 46:4-14	1-2 minutes. 37: 4-24			
	Mireles	8	3 yrs	Most took RB; encouraged to take. 62-63.	Not more than a few minutes. 60-61			

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Alpine Store #130	GM: Ferreira	24	1 yr.	Scheduling of RB (¶27)	1-3 minutes (¶20)	11 (¶3)	3 (¶14)	
	Dillon	54	1 yr.	always takes RB, sometimes late (¶7)	1 minute (¶3)			
	Miller	55	2 mo.	always takes RB (¶7)	1 minute (¶3)			
Anderson Store #37	GM: Wilson	25	7 yrs.	Scheduling of RB (¶26)	2-3 minutes (¶3)	4 (¶3)	Seasonal (¶13)	
	Myers	56	11 yrs.	Associates have taken RB's since 1997 (¶4)	Less than 5 minutes (¶23)			
	Hanes	57	3 yrs	Always takes RB (¶11)				
Barstow Store #25	GM: Taylor	26	1 1/2 yrs	Scheduling of RB (¶29)	1 minute (¶21)	approx. 40 (¶3)	4 (¶13)	
Cabazon Luxe Store #165	GM: Valencia	27	1 1/2 yrs	Scheduling of RB (¶27)	2-5 minutes (¶19)	12 (¶3)	3 (¶13)	4,464
	Guerrero	58	1 yr.	Always take RB (¶8)	No more than 5 minutes (¶4)			
Cabazon Store #65	GM: Williams	28	3 yrs.	Scheduling of RB (¶27)	2 minutes (¶20)	85 (¶3)	9 (¶14)	12,821
	King	59	2 yrs	Has not missed a RB (¶8)	1-2 minutes (¶5)			
	Stevens	60	3 mo.	Smokes, so always takes RB (¶9)	Never more than 2 minutes (¶5)			
	Ellington	61	1 yr.	Not missed a RB (¶8)	1 minute (¶4)			
	Gunderson	62	1 yr.	Forgot one time, otherwise takes RB's (¶9)	Takes 3-5 minutes (¶4)			
	Ellsworth	63	1 yr.	Takes RB (¶10)	1-2 minutes generally, 5 is the longest (¶4)			
	Yang	64	3 1/2 yrs.		2-3, maybe 5 (¶3)			
	Salinas	65	2 yrs.	Not missed a RB (¶7)	2-3 minutes, 5 at the most (¶3)			
	Myers	66	4 yrs.	Never missed a RB (¶7)	5 minutes or less (¶3)			
Camarillo Store #34	Former GM: Ishikawa	29	2 yrs.	Scheduling of RB (¶28)	Less than 3 minutes (¶20)	Approx 40 (¶3)	Various (¶14)	12,960
	Tucker	30	3 yrs.	Scheduling of RB (¶23)	2-3 minutes (¶17)			
	Ramos	67	9 mo.	Takes RB's (¶5)	About 5 min. (¶3)			
Carlsbad Store #93	GM: Hong	31	1 yr.	Scheduling of RB (¶27)	Less than 1 minute (¶20)	approx. 52 (¶3)	4 (¶14)	10,125
	Shalabi	68	7 mo.	Always takes RB's (¶9)	Not more than 2 minutes (¶5)			
	Kurhajec	69	9 yrs	Always takes RB's (¶10)	No more than 5 minutes (¶4)			
	Silva-Canseco	70	1 yr.	One time forgot to take a break (¶8)	1 minute (¶4)			
	Rocca	71	2 yrs.	Always takes RB's (¶11)	Not more than 2 minutes (¶6)			
	Pierce	72	7 mo.	Never missed a RB (¶14)	3-4 minutes (¶4)			
	Adams	73	9 mo.	Never missed a RB (¶10)	Less than 5 minutes (¶4)			
Gilroy Store #102	Assistant GM: Brodie	32	2 1/2 yrs.	Scheduling of RB (¶26)	2-3 minutes (¶20)	approx. 37 (¶3)	3 (¶14)	
Gilroy Childrens Store #189	GM: Ramos	33	2 yrs.	Scheduling of RB (¶6)	5 minutes (¶19)	7 (¶4)	3 (¶13)	3,180
	Flores	74	1 yr.	Always take RB (¶8)	Less than 1 minute (¶8)			



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Mammoth Lakes Store #30	Assistant GM: Homan	34	4 yrs.	Scheduling of RB (¶25)	1 minute (¶20)	32 (¶3)	2-3 (¶13)	3,026
	Clevenger	75	3 yrs.	Takes 1st but chooses not to take 2nd (¶6)	Less than 5-7 minutes (¶3)			
Ontario Store #156	GM: Hicks	35	2 yrs.	Scheduling of RB (¶27)	3-5 minutes (¶20)	approx. 30 (¶3)	1-3 (¶14)	11,551
Pismo Beach Store #159	GM: Pennisi	36	3 yrs.	Scheduling of RB (¶27)	Less than 1 minute (¶20)	Approx 20 (¶3)	3 (¶14)	
	Vanderwall	76	11 yrs.	Always taken RB since 1997 (¶7)	Less than 5 minutes. Since 1997 has only had to wait up to 10 minutes 5 times			
San Diego Store #143	GM: Hernandez	37	3 yrs.	Scheduling of RB (¶29)	Less than 2 minutes (¶20)	Approx 26 (¶3)	3 (¶14)	11,606
	Benavente	77	1 yr.	Always takes RB (¶8)	2-3 minutes (¶3)			
	Limones	78	2 yrs	Always takes RB, but comes back early (¶8)	2 minutes max (¶3)			
	Escalante	79	2 yrs	Never missed a RB (¶8)	2-3 minutes (¶3)			
	Segura	80	1 yr.	Always takes RB's (¶8)	2 minutes (¶3)			
	Felix	81	3 yrs.	Always takes RB's (¶8)	3 minutes (¶3)			
Tulare Store #64	GM: Botello	38	1 1/2 yrs.	Scheduling of RB's (¶29)	1 minute (¶22)	approx. 18 (¶3)	3 (¶13)	7,623
Vacaville Store #141	GM: Burkleo	39	1 mo.	Scheduling of RB's (¶27)	Less than 5 minutes (¶20)	approx. 45(¶3)	3 (¶14)	8,557
	Vicino	82	1 yr.	Always takes RB's (¶7)	2-3 minutes (¶3)			
	Ibarra	83	5 yrs.	Always taken RB's, forgets occasionally (¶8)	2-4 minutes, not longer than 5 (¶3)			
	Olkowski	84	2 yrs.	Always takes RB's (¶7)	Less than 5 minutes (¶3)			
Regional Director for FR stores	Kim Babka	3	12 yrs.	Encouraged to take RB's. Depo 111, line 6; 119, line 24	Longest is 2-3 minutes. Depo 26, line 16-18			
Senior Director of Outlet stores	Diana Copeland	4	4 yrs.	Scheduled on DPA, practice to verify RB's taken. Depo 101, line 10; 103, line 7-11	Under 1 minute. Depo 118, line 10-20			
HR Manager	Kristi Mogel	9	5 yrs.	RB's permitted and part of culture. 144-146	No complaints about process. 157-158			
District Manager Eastern California Outlets	Hillary Tucker (DM: Barstow, Mammoth Lakes, Tulare)	30	3 yrs	RB policy is explained to all outlet GM's, and she personally follows up to make sure this policy is enforced. (¶3)	2-3 minutes, up to 5 (¶15)			
District Manager Southern California Outlets	Scott Kafoury (DM: Camarillo, Pismo, Ontario, Cabazon, Carlsbad, San Diego, Alpine)	85	3 yrs	RB policy is explained to all outlet GM's, and he personally follows up to make sure this policy is enforced. (¶3)				
District Manager Northern California Outlets	Tracey Ficklin-Wagener (DM: Vacaville, Gilroy, Gilroy Childrens, Anderson)	86	4 yrs.	RB policy is explained to all outlet GM's, and she personally follows up to make sure this policy is enforced. (¶3)				

## **EXHIBIT 2**

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## Differences Between Full Price and Outlet Stores

	Full Price	Outlet
Rest Break Scheduling	Timing of breaks is informally coordinated among associates by department	Timing of breaks is strictly scheduled on the Daily Planning Agenda
	Goines Decl. Ex. 16-23	Goines Decl. Ex. 24-39
Rest Break Implementation	Some choose not to take a rest break to remain selling and earn commission	Managers find associates and instruct them to take their rest breaks
	Goines Decl. Ex. 40 ¶¶ 6, 43 ¶¶ 6, 45 ¶¶ 6, 46 ¶¶ 6, 48 ¶¶ 9, 53 ¶¶ 5, 7	See, e.g., Goines Decl. Ex. 28 ¶¶ 28, Ex. 31 ¶¶ 28
Loss Prevention Search	Shifts end at the same time, so often conducted in groups by managers	Shifts ends constantly throughout the day, so inspections are done individually throughout the day
	See, e.g. Goines Decl. Ex. 19 ¶¶ 14	See, e.g. Goines Decl. Ex. 28 ¶¶ 14
Compensation	Draw versus commission	Hourly wages
	Goines Decl. Ex. 16-23	Goines Decl. 24-39
Store Layout	Labrynth, or separate room style layout	Open "square" layout
	See maps attached to Goines Decl. Ex. 16-23	See maps attached to Goines Decl. Ex. 24-39
Shifts	Generally just 1 shift per day	Generally 3-4 shifts per day
	See Goines Decl. Ex. 1 "shift" column	See Goines Decl. Ex. 1 "shift" column
Sales Associates	Career sales associates with a book of clients	Student workers with a high turnover rate
	Goines Decl. Ex. 16-23, 40-53	See Goines Decl. Ex. 24-39